

# Customs Bulletin

Regulations, Rulings, Decisions, and Notices  
concerning Customs and related matters



## and Decisions

of the United States Court of Appeals for  
the Federal Circuit and the United  
States Court of International Trade

VOL. 17

SEPTEMBER 7, 1983

No. 36

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THE DEPARTMENT OF THE TREASURY  
U.S. Customs Service

## **NOTICE**

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Logistics Management Division, Washington, D.C. 20229, of any such errors in order that corrections may be made before the bound volumes are published.

# U.S. Customs Service

## *Treasury Decisions*

(T.D. 83-173)

### **Motor Fuel-Standards for Classification of Petroleum Materials Used as Motor Fuel**

Customs officers are required by the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) to identify petroleum materials which are chiefly used as motor fuels as defined in Headnote 2(b), Part 10, Schedule 4, TSUS, and classifiable under the provision for motor fuel in item 475.25, TSUS. Classification of an imported petroleum product as a motor fuel under item 475.25, TSUS, would be indicated if it can be satisfactorily demonstrated to Customs that the product meets one of the following current ASTM specifications: D439 for Automotive Gasoline; D1655 for Aviation Turbine fuels; or D910 for Aviation Gasolines. Customs officers may obtain copies of these ASTM specifications from the Customs Laboratory in their area or from the Director, Technical Services Division, U.S. Customs Service Headquarters, 1301 Constitution Ave., Washington D.C. 20229. The current ASTM D439, D1655, and D910 specifications supersede any previously published by Customs for petroleum materials chiefly used as motor fuels, and also supersede all previous ASTM publications of those standards.

This ruling revokes T.D. 66-23(13).

Dated: August 17, 1983.

**HARVEY B. FOX,**  
*Director.*

*Classification and Value Division*

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(T.D. 83-174)

### **Bonds**

Approval and discontinuance of Carrier's Bonds, Customs Form 3587

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures

which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: August 17, 1983.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
AAA All-American Auto & Truck Transporters, Inc., P.O. Box 5057, Jacksonville, FL; motor carrier; U.S. Fidelity and Guaranty Co.	June 21, 1983	July 16, 1983	Tampa, FL \$50,000
A. Adams Trucking, Inc., 404 Myrtle St., New Bedford, MA; motor carrier; Washington International Ins. Co.	May 27, 1983	Aug. 1, 1983	Boston, MA \$25,000
Alamo Motor Lines, San Antonio, TX; motor carrier; Transamerica Ins. Co. D 7/1/83	Sept. 30, 1982	Oct. 9, 1982	Laredo, TX \$25,000
Arrow Carrier, Corp., P.O. Box 810, North Bergen, NJ; motor carrier; Hartford Accident & Indemnity Co.	July 1, 1983	Aug. 8, 1983	Newark, NJ \$50,000
B & A Marine Service, Inc., 1804 31st St., Nederland, TX; motor carrier; Aetna Ins. Co.	July 11, 1983	July 18, 1983	Port Arthur, TX \$25,000
Bydand Air Transport, Inc., 525 N. York Rd., Bensenville, IL; motor carrier; Safeco Insurance Co. of America	Feb. 17, 1983	July 18, 1983	Chicago, IL \$25,000
CCX Nationwide, Inc., 1533 Broad St., Greensburg, PA; motor carrier; American Casualty Company of Reading, PA (PB 1/26/83) D 8/2/83 <sup>1</sup>	June 10, 1983	Aug. 2, 1983	Baltimore, MD \$25,000
Canadian Pacific Transport (International) limited, 150 Commissioners St., Toronto, Ontario, Canada; motor carrier; The Continental Ins. Co. (PB 12/8/81) D 7/15/83 <sup>2</sup>	Dec. 8, 1982	July 15, 1983	Detroit, MI \$50,000
Caravan Refrigerated Cargo, Inc., 605 S. Loop 12, Irving, TX; motor carrier; National Union Fire Ins. Co. of Pittsburgh, PA D 7/25/83	Oct. 20, 1981	Oct. 20, 1981	Houston, TX \$25,000
Cargo World Inc., 9000 Clay Rd., #118, Houston, TX; freight forwarder; The American Ins. Co.	July 12, 1983	July 21, 1983	New Orleans, LA \$50,000
Clover Transport Ltd., 7 Balfour St., St. Catharines, Ontario, Canada; motor carrier; The Continental Ins. Co. D 3/25/83	Dec. 10, 1981	Dec. 31, 1981	Buffalo, NY \$40,000
D. J. Transfer Co., Inc., 8213 W. 58th St., Merriam, KS; motor carrier; Old Republic Ins. Co.	June 20, 1983	Aug. 1, 1983	St. Louis, MO \$50,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Dallas Carriers Corp., P.O. Box 7024, Dallas, TX; motor carrier; Transamerica Ins. Co. D 3/15/77	Nov. 6, 1975	Jan. 20, 1976	Houston, TX \$25,000
East Texas Motor Freight, 623 N. Washington, P.O. Box 10125, Dallas, TX; motor carrier; Gulf Ins. Co. D 8/5/83	Mar. 20, 1980	Apr. 10, 1980	Houston, TX \$25,000
Falcon Express, Inc., 3343 Sweetbriar, Bensalem, PA; motor carrier; Employers Insurance of Wausau a Mutual Co.	July 22, 1983	Aug. 5, 1983	Philadelphia, PA \$25,000
Fort Worth and Denver Railway Co., Fort Worth Club Building, P.O. B. 943, Fort Worth, TX; rail carrier; United States Fire Ins. Co. D 7/15/83	July 2, 1973	July 25, 1973	Houston, TX \$50,000
Franklin Trucking, Inc., 212 Ohio St., Buffalo, NY; motor carrier; St. Paul Fire & Marine Ins. Co.	July 25, 1983	Aug. 1, 1983	Buffalo, NY \$40,000
Gerald Transport Chambly Inc., Chambly, Quebec, Canada; motor carrier; Hanover Ins. Co. D 8/2/83	May 30, 1977	Mar. 21, 1977	Ogdensburg, NY \$25,000
Roy Greenfield Trucking, Box 747, Weatherford, TX; motor carrier; Insurance Company of North America (PB 7/22/82) D 7/19/83	June 30, 1983	July 19, 1983	Laredo, TX \$25,000
Gulf Canal Lines, Inc., 7501 S. Broadway, St. Louis, MO; water carrier; Washington International Ins. Co. (PB 3/23/68) D 8/5/83 *	July 27, 1983	Aug. 5, 1983	Houston, TX \$50,000
H. Hansen Transport, 7803-143 Ave., Edmonton, Alberta, Canada; motor carrier; Fireman's Fund Ins. Co. D 7/16/83	Aug. 8, 1973	Aug. 27, 1973	Nogales, AZ \$25,000
Hawk of Connecticut, Inc., Outlook St., Stamford, CT; motor carrier; Washington International Ins. Co.	June 30, 1983	June 30, 1983	Bridgeport, CT \$25,000
Danny Herman Trucking, Inc., 721 S. Shady St., Mountain City, TN; motor carrier; Peerless Ins. Co.	July 7, 1983	July 7, 1983	Los Angeles, CA \$50,000
Hi-Cube Transport, Inc., Holland Rd., Wales, MA; motor carrier, Ins. Co. of North America D 8/9/83	June 25, 1975	June 27, 1975	Providence, RI \$25,000
Hurricane Trucking, Inc., 1901 Magnolia, Pasadena, TX; motor carrier; St. Paul Fire & Marine Ins. Co.	July 13, 1983	Aug. 8, 1983	Houston, TX \$50,000
Import Distribution Systems, 1041 E. 230th St., Carson, CA; motor carrier; American Casualty Co. of Reading PA. Co.	May 23, 1983	July 25, 1983	Los Angeles, CA \$50,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Juvie's Trucking, 3184 Gale Ave., Long Beach, CA; motor carrier; Washington International Ins. Co.	June 20, 1983	July 5, 1983	Los Angeles, CA \$50,000
Kains IRC & D Motor Freight, Inc., U.S. 24 West, End of Bates St., Logansport, IN; motor carrier; Transamerica Ins. Co. (PB 3/29/81) D 8/2/83 <sup>4</sup>	Mar. 29, 1983	Aug. 2, 1983	Chicago, IL \$25,000
Land Ocean Transport, Inc., 2035 N. Miami Ave., Miami, FL; motor carrier; Old Republic Ins. Co.	June 15, 1983	Aug. 3, 1983	Miami, FL \$50,000
Mack Transportation Co., 4330 Torresdale Ave., Philadelphia, PA; motor carrier; The Aetna Casualty and Surety Co.	June 16, 1983	July 20, 1983	Philadelphia, PA \$25,000
Mellow Truck Express, Inc., P.O. Box 23725, Tigard, OR; motor carrier; Fireman's Fund Ins. Co.	July 15, 1983	July 25, 1983	Portland, OR \$25,000
Merchants Truck Line, Inc., P.O. Box 908, New Albany, MS; motor carrier; The American Ins. Co.	Apr. 8, 1983	July 22, 1983	New Orleans, LA \$25,000
Midwest Motor Express, Inc., 1205 Front Ave., Bismarck, ND; motor carrier; Federal Ins. Co. D 9/23/83	July 23, 1968	July 23, 1968	Duluth, MN \$25,000
Miller Livestock Truck Co., Inc., Route 11, Box 224, Bakersfield, CA; motor carrier; Peerless Ins. Co. D 8/1/83	Aug. 9, 1982	Aug. 27, 1982	Laredo, TX \$25,000
Montgomery Tank Lines, Inc., 7745 W. 59th St., Summit, IL; motor carrier; Employers Mutual Casualty Co. D 8/10/83	July 30, 1982	Sept. 24, 1982	Chicago, IL \$50,000
Myers Airspeed, Div. of F.W. Myers & Co., Inc., Rouses Point, NY; air freight forwarder; Massachusetts Bay Ins. Co. (PB 7/26/76) D 7/19/83 <sup>5</sup>	July 15, 1983	July 20, 1983	Ogdensburg, NY \$50,000
Oval Transport, 1201 Corbin St., Port Elizabeth, NJ; motor carrier; American Insurance Co.	July 28, 1983	Aug. 2, 1983	Newark, NJ \$50,000
Pacific States Transport Inc. (PST), 505 South 800 West, Linden, UT; motor carrier; Insurance Company of North America	June 22, 1983	July 22, 1983	Great Falls, MT \$25,000
Seminole Intermodal Transport, Inc., 85 East Gay St., Cleveland, OH; motor carrier; Protective Ins. Co.	June 29, 1983	July 26, 1983	Cleveland, OH \$50,000
Service Express Transport, Ltd., 2929 4th Ave., Minneapolis, MN; motor carrier; Continental Western Ins. Co.	May 17, 1983	July 12, 1983	Minneapolis, MN \$50,000
Service Transport, Inc., P.O. Box 2749, Cookeville, TN; motor carrier; Liberty Mutual Ins. Co.	July 14, 1983	Aug. 1, 1983	New Orleans, LA \$25,000

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Southern Maritime Transport, Inc., 9314 Wallisville Rd., Houston, TX; motor carrier; Peerless Ins. Co.	June 30, 1983	July 14, 1983	Houston, TX \$50,000
Strickland Transportation Co., Inc., 11353 Reed Hartman Highway, Cincinnati, OH; motor carrier; The American Druggists' Ins. Co. D 9/20/82	June 22, 1979	July 30, 1979	Houston, TX \$25,000
Sunbelt Express, Inc., 4425 Irving Blvd., Dallas, TX; motor carrier; Western Surety Co.	July 7, 1983	Aug. 3, 1983	Dallas/Fort Worth, TX \$25,000
U.S. Transport, Inc., 14307 Still Meadow, Houston, TX; motor carrier; Lawyers Surety Corp.	July 25, 1983	July 25, 1983	Houston, TX \$25,000
Walsh Bros., Inc., U.S. Route 1, Kittery, ME; motor carrier; The American Ins. Co.	June 9, 1983	July 27, 1983	Portland, ME \$25,000

<sup>1</sup> Principal is Gemini Trucking, Inc.

<sup>2</sup> Principal is Smith Transport (International) Limited.

<sup>3</sup> Surety is St. Paul Fire & Marine Ins. Co.

<sup>4</sup> Principal is Kain's Motor Service Corp. Surety is Hanover Ins. Co.

<sup>5</sup> Principal is Airspeed, Inc.; Surety is The Hanover Ins. Co.

BON-3-03  
216173

GEORGE C. STEUART  
(For Marilyn G. Morrison, Director,  
Carriers, Drawback and Bonds Division).

(T.D. 83-175)

### Bonds

Approval and discontinuance of bonds on Customs Form 7587 for the control of Instruments of International Traffic of a kind specified in section 10.41a of the Customs Regulations

Bonds on Customs Form 7587 for the control of instruments of international traffic of a kind specified in section 10.41a of the Customs Regulations have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by the figures in parentheses immediately following which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of the list.

Dated: August 17, 1983.

File: 216170.

Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
American Oceanic Shipping Corp., 837 Gravier St., New Orleans, LA; Old Republic Ins. Co. (PB 5/21/81) D 5/25/83 <sup>1</sup>	May 25, 1983	May 26, 1983	New York Seaport \$50,000
Bridgestone Tire Manufacturing (U.S.A.), P.O. Box 3000, I-24 & Waldron Rd., Lavergne, TN; Old Republic Ins. Co.	Aug. 8, 1983	Aug. 8, 1983	New Orleans, LA \$10,000
Calabrian International Corp., 26 Broadway, New York, NY; Investors Ins. Co. of America D 8/13/83	Aug. 14, 1979	Aug. 15, 1979	New York Seaport \$10,000
Carriers Maritime Agency, Inc., 17 Battery Place, New York, NY; American Casualty Company of Reading, PA (PB 6/28/82) D 6/17/83	July 27, 1983	July 28, 1983	New York Seaport \$10,000
Chester, Blackburn & Roder, Inc. (A N.Y. Corp.), One World Trade Center, Suite 1035, New York, NY; Federal Ins. Co. D 6/27/83	Aug. 29, 1975	Aug. 19, 1975	New York Seaport \$10,000
Great Lakes Chemical Corp., P.O. Box 2200, W. Lafayette, IN; Washington International Ins. Co. D 8/3/83	Aug. 10, 1982	Aug. 12, 1982	New Orleans, LA \$10,000
Green Marine Service, Ltd.—see Japan Line (U.S.A.) Ltd.			
ITEL Container International B.V., 2 Embarcadero Center, San Francisco, CA; Sentry Insurance a Mutual Co. D 6/29/83	May 26, 1979	Jun 12, 1979	San Francisco, CA \$10,000
Japan Line (U.S.A.) Ltd. d/b/a Green Marine Service, Ltd., One Wilshire Blvd., Suite 2701, Los Angeles, CA; St. Paul Fire & Marine Ins. Co. D 7/19/83	May 10, 1978	June 2, 1978	Los Angeles, CA \$50,000
Jardine Air Cargo (US) Ltd., 144-35 157th St., Jamaica, NY; Old Republic Ins. Co.	July 1, 1983	July 5, 1983	New York Seaport \$100,000
McGiffin & Co., Inc., 1510 Talleyrand Ave., Jacksonville, FL; Federal Ins. Co.	June 30, 1983	July 22, 1983	Tampa, FL \$10,000
Neptune Orient Lines, Ltd., 300 Montgomery St., Ste. 540, San Francisco, CA; Old Republic Ins. Co.	June 7, 1983	July 6, 1983	San Francisco, CA \$10,000
Norsk Pacific Steamship Co., Ltd., One Bush St., San Francisco, CA; Continental Casualty Co. (PB 8/30/82) D 6/29/83. <sup>2</sup>	June 27, 1983	June 29, 1983	San Francisco, CA \$10,000
Offshore Gases & Chemicals, Inc., 2002 Engineers Rd., Belle Chasse, LA; Old Republic Ins. Co. D 7/5/83	Feb. 26, 1981	Feb. 27, 1981	New Orleans, LA \$10,000



Name of principal and surety	Date of bond	Date of approval	Filed with district director/area director/amount
Olin Corp., 120 Long Ridge Rd., Stamford, CT; Federal Ins. Co.	June 29, 1983	July 5, 1983	New York Seaport \$10,000
Pacific Caribbean Shipping Alabama, Inc., 105 North Conception St., Mobile, AL; Old Republic Ins. Co.	May 31, 1983	June 13, 1983	Mobile, AL \$10,000
Pacific Northwest Equipment, Inc., 1440 S. Jackson St., Seattle, WA; Washington International Ins. Co. (PB 4/1/81) D 4/22/83 <sup>3</sup>	Apr. 15, 1983	Apr. 22, 1983	Seattle, WA \$10,000
Seafood Products Ltd., 2727 Commissioner St., Vancouver, B.C., Canada; Fidelity & Deposit Company of MD D 5/31/83	June 5, 1967	June 9, 1967	Seattle, WA \$10,000
Seapac Services, Inc., 433 Hegenberger Rd., Oakland, CA; American Motorists Ins. Co. (PB 12/21/81) D 5/26/83 <sup>4</sup>	May 26, 1983	May 31, 1983	New York Seaport \$10,000
Technicon Instruments Corp., 511 Benedict Ave., Tarrytown, NY; Federal Ins. Co. D 6/3/83	Feb. 7, 1975	Feb. 10, 1975	New York Seaport \$10,000
Transamerica Steamship Agency, Inc., #1 California St., Suite 2200, San Francisco, CA; Old Republic Ins. Co.	Aug. 8, 1983	Aug. 8, 1983	San Francisco, CA \$10,000
U.S. Maritime Agencies—see United Maritime Agencies, Inc.			
United Maritime Agencies, Inc., d/b/a U.S. Maritime Agencies, 40 Rector St., New York, NY; Old Republic Ins. Co.	July 29, 1983	Aug. 4, 1983	New York Seaport \$10,000
Worldwide Transport Corp., 63-69 Hook Rd., Bayonne, NJ; Old Republic Ins. Co.	July 29, 1983	July 30, 1983	New York Seaport \$10,000

<sup>1</sup> Surety is Washington International Ins. Co.<sup>2</sup> Surety is St. Paul Fire & Marine Ins. Co.<sup>3</sup> Principal is Pacific Northwest Equipment Co.<sup>4</sup> Principal is Seapac Pacific Services, Inc.

BON-3-10

GEORGE C. STEUART  
(For Marilyn G. Morrison, Director,  
Carriers, Drawback and Bonds Division).

(T.D. 83-176)

Recordation of Trade Name: "United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada"

AGENCY: U.S. Customs Service, Treasury

ACTION: Notice of Recordation

**SUMMARY:** On May 11, 1983, a notice of application for the recordation under Section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPE FITTING INDUSTRY OF THE UNITED STATES AND CANADA" was published in the Federal Register (48 FR 21231). The notice advised that before final action on the application, consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than July 11, 1983. No responses were received in opposition to the application.

Accordingly, as provided in section 133.14, Customs Regulations (19 CFR 133.14), the name "UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPE FITTING INDUSTRY OF THE UNITED STATES AND CANADA" is recorded as the trade name used by the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, an incorporated association, located at 901 Massachusetts Avenue NW., Washington, D.C. 20001. The trade name is used by the Association to identify its union activities, which include the formation of local labor unions in the plumbing and pipe fitting industry, as well as certifying (1) that pipe, fabricated pipe, welded pipe and fabricated welded pipe formations were made by members of the United Association's local unions and (2) that the services of fabricating and assembling such goods were performed by members of United Association's local unions. The Association's member unions and their members are authorized to use the trade name in the United States and Canada.

**DATE:** 8/24/83

**FOR FURTHER INFORMATION CONTACT:** Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5765).

**Dated:** August 19, 1983.

**DONALD W. LEWIS,**

*Director,*

*Entry Procedures and Penalties Division.*

[Published in the Federal Register, August 24, 1983 (48 FR 38569)]

(19 CFR Part 101)

(T.D. 83-177)

**Customs Regulations Amendment Relating to the Customs Field Organization; Determination Regarding Proposed Change of Hours of Service at a Customs Port of Entry**

**AGENCY:** U.S. Customs Service, Department of the Treasury.

**ACTION:** Final rule and determination on proposal.

**SUMMARY:** This document amends the Customs Regulations by deleting Lochiel, Arizona, from the list of designated Customs stations. This change will enable Customs to obtain more efficient use of its personnel, facilities, and resources. The document also advises the public that Customs has decided not to reduce the hours of service at the Customs port of entry of Naco, Arizona.

**EFFECTIVE DATE:** 9/26/83

**FOR FURTHER INFORMATION CONTACT:** Denise Crawford, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8157).

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

Customs ports of entry and stations are locations where Customs officers are placed for the purpose of accepting the entry of merchandise, collecting duties, examining baggage, clearing passengers, and enforcing the various provisions of the customs laws and other laws.

The significant difference between ports of entry and stations is that at stations, the Federal Government is reimbursed for:

(1) The salaries and expenses of its officers or employees for services rendered in connection with the entry or clearance of vessels; and

(2) Except as otherwise provided by the Customs Regulations, the expenses (including any per diem allowed in lieu of subsistence), but not the salaries, of its officers or employees, for service rendered in connection with the entry or delivery of merchandise on vessels.

In a notice published in the Federal Register on November 29, 1982 (47 FR 53744), Customs proposed: (1) to close the Customs station at Lochiel, Arizona; and (2) to reduce the hours of service at the port of Naco, Arizona, from 24 hours a day to 6 a.m. to 10 p.m.

**LOCHIEL, ARIZONA**

As stated in the notice, in Fiscal Year 1981, the station at Lochiel, Arizona, did not collect any revenue, did not make any entry

examinations, and did not take any enforcement action. Approximately 17 vehicles a day, most of which are noncommercial, use Lochiel to cross the U.S./Mexican border. If Lochiel were to be closed, those vehicles would clear Customs at Nogales, Arizona, 25 miles from Lochiel. Because of the minimal use of Lochiel, Customs believes that the annual cost of operations of \$41,218 is not justified.

#### NACO, ARIZONA

Section 101.6, Customs Regulations (19 CFR 101.6), provides that, with certain exceptions, each Customs office shall be open for the transaction of general Customs business between the hours of 8:30 a.m. and 5:00 p.m., on all days of the year. If, because of local conditions, different but equivalent hours are required to maintain adequate service, such hours shall be observed provided that the Commissioner of Customs approves them and provided further that a notice of business hours is prominently displayed at the principal entrance and in each public room of the Customs office.

The notice also provided that the port of Naco, Arizona, which is open 24 hours a day, experiences very little activity between the hours of 10 p.m. and 6 a.m. Approximately 38 noncommercial vehicles use the Naco port of entry to cross the U.S./Mexican border during those hours, and many of those are repeat crossers. If the port of Naco were to be closed from 10 p.m. to 6 a.m., travelers desiring clearance during these hours could clear Customs at Douglas, Arizona, a 24-hour port located about 30 miles from Naco. The reduction in hours of service would result in an annual savings of \$42,130.

#### DISCUSSION OF COMMENTS

Two comments were received on the proposal to close the Lochiel station, one in support and one in opposition. Although the commenter in opposition states that the closing of Lochiel will work a hardship on the local community, Customs believes that any inconvenience will be minimal. After a further review of the matter, Customs has decided to adopt the proposal to close the Lochiel station.

Several comments were received on the proposal to reduce the hours of service at Naco. One of the comments was in favor of the proposal and the rest were in opposition. Customs also received two lengthy petitions of signatures opposing the change. The commenters in opposition state that the proposal would inconvenience travelers and have a detrimental effect on the tourist trade and local business. After a further review of this proposal, Customs has decided to keep the port of Naco open 24 hours a day.

## LIST OF SUBJECTS IN 19 CFR PART 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

## AMENDMENT TO THE REGULATIONS

## PART 101—GENERAL PROVISIONS

Because Customs is closing the station at Lochiel, Arizona, section 101.4(c), Customs Regulations (19 CFR 101.4(c)), is amended by revising the entry beginning with the District of Nogales, Arizona to read as follows:

District	Customs Stations					Port of Entry having supervision
	*	*	*	*	*	*
Nogales, Ariz.			Tucson, Ariz.			Nogales
	*	*	*	*	*	*

(Section 301, 80 Stat. 379, section 1, 37 Stat. 434, R.S. 251, as amended, section 624, 46 Stat. 759 (5 U.S.C. 301, 19 U.S.C. 1, 66, 1624))

## EXECUTIVE ORDER 12291

Because this amendment relates to the organization of the Customs Service, pursuant to section 1(a)(3) of Executive Order 12291, it is not a regulation or rule subject to that E.O.

## REGULATORY FLEXIBILITY ACT

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this document because the amendment will not have a significant economic impact on a substantial number of small entities. The amendment is not expected to have significant secondary or incidental effects on a substantial number of small entities, or to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendment will not have a significant economic impact on a substantial number of small entities.

## DRAFTING INFORMATION

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

ALFRED R. DE ANGELUS,  
*Acting Commissioner of Customs.*

Approved: July 19, 1983.

ROBERT E. POWIS,

*Acting Assistant Secretary of the Treasury.*

[Published in the Federal Register, August 26, 1983 (48 FR 38813)]

(T.D. 83-178)

Recordation of Trade Name: "Underground Camera, Inc."

AGENCY: U.S. Customs Service, Department of the Treasury

ACTION: Notice of Recordation

SUMMARY: On May 6, 1983, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "UNDERGROUND CAMERA, INC." was published in the Federal Register (48 FR 20531). The notice advised that before final action on the application, consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than July 5, 1983. No responses were received in opposition to the application.

Accordingly, as provided in section 133.14, Customs Regulations (19 CFR 133.14), the name "UNDERGROUND CAMERA, INC." is recorded as the trade name used by Underground Camera, Inc., a corporation organized under the laws of the State of Massachusetts, located at 369 Central Street, Foxboro, Massachusetts 02035. The trade name is used in connection with photographic equipment, namely, cameras and lenses; photographic supplies, namely, photographic film and chemicals; and photographic accessories, namely, camera supports and illuminators. The trade name is applied to the goods in the United States.

DATE: 8/25/83

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5765).

Dated: August 19, 1983.

DONALD W. LEWIS,  
*Director,*  
*Entry Procedures and Penalties Division.*

[Published in the Federal Register, August 25, 1983 (48 FR 38708)]

(T.D. 83-152)

Revocation of Customhouse Cartman's License No. A-966 Issued by the District Director of Customs, Honolulu, to Takashi Brian Uyeno on February 12, 1980; Correction

AGENCY: U.S. Customs Service, Department of the Treasury

ACTION: Customhouse Cartman's License—Revocation; Correction

SUMMARY: This document corrects errors in a document published in the Federal Register on Wednesday, July 20, 1983 (48 FR 33399), relating to the revocation of Customhouse Cartman's License No. A-966 issued on February 12, 1980 to Takashi Brian Uyeno by the District Director of Customs, Honolulu.

FOR FURTHER INFORMATION CONTACT: Ronald W. Gerdes, Assistant Chief Counsel (Administration & Legislation), U.S. Customs Service (202-566-2482).

#### Background

In Federal Register Document 83-19759, appearing at page 33399, the identification card number should be A-966 in lieu of 3146 which was a temporary identification card number, and the effective date should be February 12, 1980, in lieu of December 5, 1979. Accordingly, the following corrections are made to the document:

On page 33399 substitute the number 3146 with A-966 and replace the date of December 5, 1979 with February 12, 1980, in the summary and heading.

Dated: August 23, 1983.

ALFRED R. DE ANGELUS,  
*Acting Commissioner of Customs.*

[Published in the Federal Register, August 26, 1983 (48 FR 38943)]

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(T.D. 83-172)

Revocation of Individual License No. 3837 Issued on June 21, 1973, for District 49-09, San Juan, Puerto Rico; Correction

AGENCY: U.S. Customs Service, Department of the Treasury

ACTION: Customhouse Broker License—Revocation; Correction

**SUMMARY:** This document corrects errors in a document published in the Federal Register on Friday, August 5, 1983 (48 FR 36052) relating to the revocation of Customhouse Broker's License No. 3837 of Norma E. Sanchez issued on June 21, 1973, in San Juan, Puerto Rico.

**FOR FURTHER INFORMATION CONTACT:** Ronald W. Gerdes, Assistant Chief Counsel (Administration & Legislation), U.S. Customs Service (202-566-2482).

#### BACKGROUND

In Federal Register document 83-21502, appearing at page 36052, the decision to revoke Customhouse Broker's License No. 3837 was made by the Assistant Secretary of the Treasury and not the Commissioner of Customs. Also, the date of the decision was omitted in the first sentence of the summary. Accordingly, the following corrections are made to the document:

In the summary, the words "Commissioner of Customs" should be substituted with the words "Assistant Secretary of the Treasury." In addition where the word "Commissioner" appears, it should be replaced with the words "Assistant Secretary." Finally, after the word "on" and before the word "pursuant" the date of August 1, 1983, should be inserted.

Dated: August 23, 1983.

ALFRED R. DE ANGELUS,  
*Acting Commissioner of Customs.*

[Published in the Federal Register, August 26, 1983 (48 FR 38944)]



# United States Court of International Trade

One Federal Plaza  
New York, N.Y. 10007

*Chief Judge*

Edward D. Re

*Judges*

Paul P. Rao  
Morgan Ford  
Frederick Landis  
James L. Watson

Bernard Newman  
Nils A. Boe  
Gregory W. Carman

*Senior Judges*

Herbert N. Maletz

Samuel M. Rosenstein

*Clerk*

Joseph E. Lombardi

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## Decisions of the United States Court of International Trade

(Slip Op. 83-86)

SANDERS W. GROPPER, PLAINTIFF, *v.* RAYMOND J. DONOVAN, SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR, DEFENDANT

Court No. 81-8-01066

Before RE, *Chief Judge.*

*On Plaintiff's Motion for Review of Administrative Determination  
Upon Agency Record*

[Administrative determination of the Secretary of Labor denying certification of eligibility for worker adjustment assistance benefits affirmed.]

(Decided August 16, 1983)

*Sanders W. Gropper, pro se.*

*J. Paul McGrath*, Assistant Attorney General; *David M. Cohen*, Director, Commercial Litigation Branch (*Sheila N. Ziff* on the brief), for the defendant.

RE, Chief Judge: Plaintiff, on behalf of the former employees of Foxco Industries Limited, New York, New York, challenges a termination of the Secretary of Labor denying certification of eligibility for benefits under the worker adjustment assistance program of the Trade Act of 1974, 19 U.S.C. §§ 2101-2487 (1976 & Supp. IV 1980). In substance, the Secretary of Labor found that the former employees of Foxco were employed by a firm that did not produce an article "like or directly competitive" with an article adversely affected by increased imports within the meaning of section 222(3) of the Trade Act of 1974, 19 U.S.C. § 2272(3) 1976).

Plaintiff asserts that an increase in the importation of knit fabric garments has had a negative effect upon domestic production of a component, i.e., finished fabric for domestically-manufactured garments. Essentially, plaintiff complains that an end product, knit fabric garments, is "like or directly competitive" with a component, finished fabric. After reviewing the administrative record, and the arguments and briefs of the parties, the court holds that the Secretary's denial of certification is supported by substantial evidence and is in accordance with law.

On February 13, 1981, plaintiff and two other employees of Foxco filed a petition with the Office of Trade Adjustment Assistance (OTAA) for certification of eligibility to apply for trade adjustment assistance on behalf of the workers at Foxco. Pursuant to section 221(a) of the Trade Act of 1974, 19 U.S.C. § 2271(a) (1976). OTAA published a notice of the filing of the petition and the initiation of an investigation. 46 Fed. Reg. 15620 (1981).

OTAA's investigation disclosed that finished fabric is cloth which is ready to be cut into finished products such as apparel goods and home furnishings. Textile finishers buy gray fabric from weaving or knitting mills and treat the fabric to make it more attractive or serviceable. There are three types of fabric finishers, i.e., textile mills, converters and commission printers. Foxco, as a converter, purchased yarn which it sent to commissioned knitters, who, after knitting the yarn into fabric, sent it to commissioned finishers under Foxco's direction. Foxco maintained an inventory of single, double, and sweater knit fabrics which were used to fill orders from its customers in the apparel industry on an as-needed basis. Foxco's production was based on orders received, and it did not

import knit fabric. The firm operated as a fabric converter until it ceased operation in December 1980.

In conducting its investigation along product lines, OTAA conceded that knit fabric garments are made from finished fabric. Even so, it found that those garments are not "like or directly competitive" with finished fabric. Hence, OTAA only considered imports of finished fabric in determining the existence of import injury to Foxco's workers.

The investigation further disclosed that all types of finished fabric are "like or directly competitive" with the finished fabric produced by Foxco; that imports of all finished fabric were 32.2 percent lower in 1979 than they were in 1978, and 2.9 percent lower during the first nine months of 1980 than imports for the comparable period in 1979; and that there was a net decrease of 14.7 percent in imports between 1975 and 1979. During this same period, exports of finished fabric from the United States were increasing. Moreover, the ratio of imports to domestic production did not exceed 2.2 percent for the four-year period.

OTAA thus concluded that plaintiff's claim that increased imports of knit fabric garments contributed importantly to the downturn in Foxco's sales and production and the resultant layoff of the firm's employees was without merit.

Based on OTAA's findings, the Secretary issued a negative determination on plaintiff's petition stating that the investigation revealed that "[a]ggregate U.S. imports of finished fabric did not increase as required for certification" under section 222(3). 46 Fed. Reg. 32528, 32529 (1981).

Plaintiff requested administrative reconsideration of the Secretary's negative determination. In dismissing plaintiff's application for reconsideration, the Secretary explained that plaintiff's contention that imports of foreign-made knit fabric garments adversely impacted domestic production of finished fabric used in the manufacture of domestically-made garments is not disputed. Nevertheless, under the terms of the governing statute, certification can only be had where there is a finding of increased imports of the article "like or directly competitive" with that produced by Foxco. The Secretary reiterated that the article in question is finished fabric and not imported knit fabric garments, which are end products incorporating the component material produced by Foxco. Based on an absolute decrease in imports of finished fabric, the Secretary found no new grounds for reconsideration.

On August 12, 1981, plaintiff commenced this action by filing a letter complaint seeking judicial review of the Secretary's final determination.

Subsequently, pursuant to plaintiff's motion for a review of the administrative determination upon the agency record, the court ordered the parties to brief the relevant issues including:

(1) Whether imported knitted garments are "like or directly competitive," within the meaning of Section 222(3) of the Trade Act of 1974, 19 U.S.C. § 2272(3), with articles produced by plaintiff's employing firm; and

(2) Whether the Secretary of Labor's findings and resulting determination denying plaintiff's certification of eligibility for trade adjustment assistance pursuant to Section 223 of the Trade Act of 1974, 19 U.S.C. § 2273, are supported by substantial evidence as contained in the certified administrative record filed with this court.

Section 222 of the Trade Act of 1974, 19 U.S.C. § 2272 (1976), requires that the Secretary shall certify a group of workers as eligible to apply for adjustment assistance if he determines:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of *articles like or directly competitive* with articles produced by such workers' firm or an appropriate subdivision thereof were a substantial cause of such total or partial separation, or threat thereof, and to such decline in sales or production. (Emphasis added.)

The Secretary denied plaintiff's petition because it failed to satisfy the third eligibility criterion, *i.e.*, plaintiff's employer, Foxco, did not produce an article "like or directly competitive" with an article adversely affected by increased imports.

The Trade Act of 1974 empowers the court to review a decision by the Secretary denying a petition for certification of eligibility for trade adjustment assistance benefits to assure that the determination is supported by substantial evidence contained in the administrative record, and was made in accordance with law. Trade Act of 1974, § 284(b), 19 U.S.C. § 2395(b) (Supp. IV 1980).

Plaintiff contends that the increase in importation of knit fabric garments has contributed importantly to Foxco's decline in sales and production of finished fabric for domestically-manufactured garments and the resultant layoff of the firm's employees. Plaintiff submits that every yard of fabric produced for the apparel industry is produced for the specific purpose of manufacturing a garment. Hence, plaintiff contends that, as a practical matter, "[f]abric is made to be used in garments and you cannot separate garment manufacturers from fabric manufacturers." Plaintiff asserts that the relationship between the knit fabric and knit apparel industries is so close that the two should be considered a single entity for the purposes of determining eligibility under section 222(3).

Defendant admits that finished fabric is made to be used in knit fabric garments, among other articles. Nevertheless, defendant contends that garments which are made from finished fabric are not

"like or directly competitive" with the finished fabric itself within the meaning of the governing statute. More specifically, the Secretary maintains that the phrase "like or directly competitive" in section 222(3) does not embrace finished fabric since finished fabric is only a component of the import-impacted product, knit fabric garments.

The question presented, therefore, is whether, in finding that the article produced, *i.e.*, finished fabric, is not "like or directly competitive" with garments made from finished fabric, the Secretary correctly interpreted and applied section 222(3). It is the determination of the court that a component, such as finished fabric, is not "like or directly competitive" with an end product, such as knit fabric garments, within the meaning of section 222(3).

Prior cases have examined the meaning of the phrase "like or directly competitive." *United Shoe Workers of America, AFL-CIO v. Bedell*, 506 F.2d 174 (D.C. Cir. 1974); *Machine Printers and Engravers Association of United States v. Marshall*, 595 F.2d 860 (D.C. Cir. 1979); *Morristown Magnavox Former Employees v. Marshall*, 671 F.2d 194 (6th Cir. 1982).

While the *Bedell* case arose under the Trade Expansion Act of 1962, the predecessor act of the Trade Act of 1974, both statutes contained identical provisions that require a finding of increased imports of "like or directly competitive" articles. In *Bedell*, workers engaged in the production of counters for women's shoes petitioned the United States Tariff Commission for adjustment assistance under the provisions of the 1962 Act. The Commission found that counters provided a necessary reinforcement for heels and were generally purchased by shoe manufacturers from independent suppliers. The workers claimed that increased imports of wholly assembled women's shoes had severely reduced domestic production of shoes and, consequently, diminished the demand for shoe counters. The Tariff Commission found that imports of counters for women's shoes were negligible, and consequently, rejected the workers' contention that imported women's footwear containing counters was "directly competitive" with counters.

The district court upheld the determination of the Tariff Commission. In affirming, the Court of Appeals held that a firm producing a component of a finished article, which is adversely affected by increased imports of the finished article, is not a firm producing an article "like or directly competitive" with the imported article. The court relied upon its review of legislative history and preceding analogous provisions. In the course of its examination the court stated:

When Congress enacted the Trade Agreements Extension Act of 1951, it adopted the "like or directly competitive" formula as the criterion for invoking escape-clause protection. The first congressional indication of the meaning of this phrase came during the debates on the Trade Agreements Ex-

tension Act of 1955. Senator Morse introduced an amendment to the 1951 Act that, in his view, would have given producers of "raw materials and components" the procedural right to be heard before the Tariff Commission. On its face, the Morse amendment would have afforded component parts manufacturers the same relief as manufacturers of finished products, even if the "like or directly competitive" article entered the United States as a component of a finished product. \* \* \* Congress rejected the Morse amendment.

506 F.2d at 180-181 (footnotes omitted).

The court further noted that, in enacting the Trade Expansion Act of 1962, Congress intended the phrase "like or directly competitive" to have the same meaning it had under the 1951 Act. In particular, the court stated:

Although the decisions in this area have all occurred within the last three years, their roots extend deep in adjudicative history. Nearly forty years ago, the Court of Customs and Patent Appeals interpreted the phrase "like or similar" and held that an imported article was "like" a domestic article only if it had "the same or nearly the same appearance, qualities or characteristics." The Tariff Commission took the same position shortly after "like or similar" was legislatively changed to "like or directly competitive" in 1951. In a 1952 case, the Commission concluded that an imported glace cherry was not "like or directly competitive" with a domestic sweet cherry. It held that "[t]he domestic industry producing glace cherries [could] not properly be considered as including the cherry growers," the producers of domestic sweet cherries.

506 F.2d at 184-185 (footnotes omitted). From the foregoing legislative history and preceding analogous provisions, it is clear that Congress did not intend to expand the scope of coverage in the manner suggested by plaintiff.

Judicial construction of the phrase "like or directly competitive" was reaffirmed in the *Machine Printers and Engravers* case. In that case, the union, on behalf of certain of its members employed by independently-owned firms engaged in the business of engraving copper or plastic rollers and rotary screens for use by domestic textile manufacturers to print designs on fabrics, challenged the Secretary's denial of certification of eligibility for benefits under the worker adjustment assistance program of the Trade Act of 1974.

The union did not claim that the workers' jobs, or their employers' sales were adversely affected by increased imports of engraved rollers or screens, or that any increase in imports of those articles had occurred. Rather, the union claimed that its members were losing work because increased imports of textiles had reduced the demand for engraved rollers and rotary screens.

The court held that despite the adverse impact of textile fabric imports upon the workers' employers, the fabric imports plainly were not "like or directly competitive" with engraved rollers or rotary screens. More specifically, the court found the rollers and

screens not to be "interchangeable with nor substitutable for the domestic textile fabrics" whose market suffered from imports. 595 F.2d at 862. It thus concluded, on the basis of *Bedell*, that the trade adjustment assistance provisions, as written, did "not authorize the Secretary to extend relief to workers employed by roller and screen engravers whose business has been adversely affected by increased imports of textile fabrics." *Ibid*.

It is clear that the rationale of the *Bedell* and *Machine Printers and Engravers* cases is applicable to the present case. Like the heel counters in *Bedell*, and the engraved rollers and rotary screens in *Machine Printers and Engravers*, the finished fabric in the present case is a *component* of a finished article, knit fabric garments, that has been adversely impacted by increased imports. Hence, the finished fabric is not embraced by the phrase "like or directly competitive" in section 222(3), since it is neither interchangeable with, nor substitutable for the import-impacted knit fabric garments.

In the *Morristown Magnavox* case, the court, also relying upon *Bedell*, held that workers producing components of television sets at a domestic plant, which was adversely affected by importations of completed color television sets from Japan, were ineligible for trade adjustment benefits under section 222. It stated:

\* \* \* component parts of a television set are not "like" a completed television set within the meaning of the statute at issue and \* \* \* imports of fully completed television sets are not directly competitive with the manufacture of printed circuit boards, flybacks and deflection yokes.

671 F.2d at 198.

The court, in affirming the Secretary's determination, made the following pertinent observation:

In holding that "like" must be construed as we do today, we are mindful of the remedial purpose of the adjustment assistance provisions. Those provisions are designed to extend relief to manufacturers and workers who, in consequence of governmental action, find themselves idle or jobless. Such remedial legislation should be construed broadly to effectuate its purpose. But we cannot attach to a statute any objective that would negate the limits clearly intended by the legislature. Congress has made a policy decision and drawn a line; our duty is to give the language of the statute a meaning that will carry out that policy. The result may appear harsh in this day of high unemployment and rising cost of living, but the remedy for congressional policies that do not extend beyond lawful bounds is in the legislature.

While it seems clear to us that the petitioners here may have suffered loss of jobs from the general impact on the television market of foreign competition, it does not appear that Congress has ever provided adjustment to them or people in their general classification. The restriction in the bill of such adjustment to job loss resulting from competition of "like or di-



rectly competitive" products has been repeatedly criticized and debated in Congress. But to date all proposals to eliminate or mitigate these two restrictions have been defeated.

671 F.2d at 197.

In light of the pertinent statutory language, legislative history, and judicial precedents, the court holds that:

(1) the Secretary's finding that there was a decline in imports of finished fabric, and that imports of foreign-made knit fabric garments have had a negative effect on domestic production of finished fabric, during the concerned period, is supported by substantial evidence in the record;

(2) the imported knit fabric garments are not "like or directly competitive," within the meaning of section 222(3) of the Trade Act of 1974, 19 U.S.C. § 2272(3), with articles produced by plaintiff's employing firm; and

(3) that the Secretary of Labor's findings and resulting determination denying plaintiff's certification of eligibility for trade adjustment assistance pursuant to section 223 of the Trade Act of 1974, 19 U.S.C. § 2273, are supported by substantial evidence as contained in the certified administrative record filed with the court.

Accordingly, it is the determination of the court that the Secretary of Labor's denial of certification is supported by substantial evidence and is in accordance with the trade adjustment assistance provisions of the Trade Act of 1974. The determination of the Secretary is therefore affirmed.

Dated: New York, New York, August 16, 1983.

EDWARD D. RE,  
Chief Judge.

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(Slip Op. 83-87)

MELAMINE CHEMICALS, INC., PLAINTIFF, v. UNITED STATES,  
DEFENDANT

Court No. 80-6-00878

Before LANDIS, Judge.

*Defendant's Motion, Brought Pursuant to an Order To Show Cause, Seeking To Stay the Department of Commerce From Filing a Report Ordered by This Court on March 25, 1983 (Slip Op. 83-21) Is Denied. The Department of Commerce Is Further Directed To Report to This Court in Compliance With Slip Op. 83-21 (March 25, 1983)*

[Defendant's motion for a stay is denied. The Department of Commerce is ordered to report to this Court in compliance with Slip Op. 83-21 (March 25, 1983).]



(Decided August 16, 1983)

*Baker & McKenzie* (Bruce E. Clubb on the motion) for the plaintiff.

*J. Paul McGrath*, Assistant Attorney General; *David M. Cohen*, Director, Commercial Litigation Branch (*Francis J. Sailer* on the motion), for the defendant.

LANDIS, Judge: Upon reading and filing of defendant's motion for an order to show cause, and upon plaintiff's opposition thereto, it is hereby

*Ordered*, that defendant's motion for an order to show cause is denied; and it is further

*Ordered*, that the Department of Commerce report to this Court in accordance with Slip Op. 83-21 (March 25, 1983) within thirty (30) days of entry of this order; and it is further

*Ordered*, that this order shall supersede the time requirements for the Department of Commerce to report on compliance with Slip Op. 83-21 (March 25, 1983).

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*Journal of Management Studies*, 2006; 43(7): 1098–1114

# Decisions of the United States Court of International Trade

## *Abstracts* *Abstracted Protest Decisions*

DEPARTMENT OF THE TREASURY, August 18, 1983.

The following abstracts of decisions of the United States Court of International Trade at New York are published for the information and guidance of officers of the Customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary here given will be of assistance to Customs officials in easily locating cases and tracing important facts.

WILLIAM VON RAAB,  
*Commissioner of Customs.*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS		PORT OF ENTRY AND MERCHANDISE
						Item No. and Rate	Item No. and Rate	
P83/246	Re, C.J. August 12, 1983	D'Vinco Watch Co., Inc.	83-1-00027	Not stated	Item 683.86 5.1%		Judgment on the pleadings	San Francisco Watch module bracelets
P83/247	Re, C.J. August 12, 1983	G.M. Miller & Co., Int'l	83-3-00402	Not stated	Item 683.86 5.1%		Judgment on the pleadings	San Francisco LCD watch modules

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD		BASIS		PORT OF ENTRY AND MERCHANDISE
					Item No. and Rate	Item No. and Rate	Item No. and Rate	Item No. and Rate	
P83/248	Re, C.J. August 16, 1983	Chrysler Corp.	67/46813, etc.	Item 696.15 12%, 10.5%, 9.5%, 8%, 7% or 6%	Item 680.45 9%, 8%, 7%, 6%, 5%, or 4% Item 680.45 9%, 8%, 7%, 6%, 5%, or 4% Item 696.15 12%, 10.5%, 9.5%, 8%, 7% or 6% ("transom shielder") Item 664.10 10.5%, 9%, 8%, 7%, 6%, 5% ("electrical lift")	Easton Manufacturing Co. v. U.S. (C.D. 4207)		New York Outboard drives	
P83/249	Re, C.J. August 16, 1983	Sara International Inc.	81-10-01707	Item 807.00/382.8137 Appraised on basis of constructed value; entered dutiable values less cost or value of U.S. products, excluding components subjected to buttonholing or similar operations	Item 807.00/382.8137 Dutiable on basis of constructed value; represented by entered values less cost or value of U.S. products including components subjected to buttonholing or similar operations	Agreed statement of facts		Miami Ladies' blouses	

P83/250	Re, C.J. August 17, 1983	A.N. Derringer, Inc.	80-7-01027	Item 274.75 6¢ per lb.	Item 274.75 Free of duty	Judgment on the pleadings	New York Printed material consisting of non-post-card portion of magazine inserts
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# Decisions of the United States Court of International Trade

## *Abstracts* *Abstracted Reappraisal Decisions*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
RE3/542	Re, C.J. August 11, 1983	Mitsui & Co. (USA), Inc.	82-1-00034	Transaction value	Invoice unit prices of merchandise for exportation from Japan to U.S., less included non- dutyable charges for ocean freight and marine insurance	Agreed statements of facts	Philadelphia Steel mill products

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R33/543	Re, C.J. August 11, 1983	Mitsui & Co. (USA), Inc.	82-3-00276	Transaction value	Invoice unit prices of merchandise for exportation from Japan to U.S., less included non-dutiable charges for ocean freight and marine insurance	Agreed statements of facts	New York Steel mill products
R33/544	Re, C.J. August 11, 1983	Mitsui & Co. (USA), Inc.	82-3-00284	Transaction value	Invoice unit prices of merchandise for exportation from Japan to U.S., less included non-dutiable charges for ocean freight and marine insurance	Agreed statements of facts	New Orleans Steel mill products
R33/545	Re, C.J. August 16, 1983	Allied Stores, Int'l. Inc.	79-6-00986	Export value	Appraised values shown on entry papers less additions included to reflect currency revaluation	CBS, Import Corp. v. U.S. (C.D. 4739)	New York Not stated
R33/546	Re, C.J. August 16, 1983	American Fencers Supply	73-2-00538	Export value	Appraised values specified on entry papers by liquidating officer less additions included which reflect currency revaluation	CBS, Imports Corp. v. U.S. (C.D. 4739)	San Francisco Fencing equipment



R83/547	Re, C.J. August 16, 1983	H.G. Toys, Inc.	82-9-01285	Transaction value	Values equivalent to U.S. dollar prices converted to Hong Kong dollars at fixed rate set forth on commercial invoices and reconverted to U.S. dollars at official rate of exchange in effect on date of export	Agreed statement of facts	New York Toys
R83/548	Re, C.J. August 16, 1983	Mizani & Co. (USA), Inc.	82-3-00280	Transaction value	Invoice unit prices less included non-dutiable charges for ocean freight and marine insurance	Agreed statement of facts	New York L-Cysteine Mono Monohydrate Hydrochloro
R83/549	Re, C.J. August 16, 1983	Mizani & Co. (USA), Inc.	82-3-00281	Transaction value	Invoice unit prices of merchandise less included non-dutiable charges for ocean freight and marine insurance	Agreed statement of facts	New York Steel mill products
R83/550	Re, C.J. August 16, 1983	Mizani & Co. (USA), Inc.	82-3-00285	Transaction value	Invoice unit prices of merchandise less included non-dutiable charges for ocean freight and marine insurance	Agreed statement of facts	New Orleans Steel mill products

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R33/551	Re C.J. August 16, 1983	Mitsui & Co. (USA), Inc.	82-3-00286	Transaction value	Invoice unit prices of merchandise less included non-dutiable charges for ocean freight and marine insurance	Agreed statement of facts	New Orleans Steel mill products
R33/552	Re C.J. August 16, 1983	Nichimen Co., Inc.	79-6-00990	Export value	Appraised values shown on entry papers less additions included to reflect currency revaluation	CBS Imports Corp. v. U.S. (C.D. 4739)	Los Angeles Not stated

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DEPARTMENT OF THE TREASURY  
U.S. CUSTOMS SERVICE  
WASHINGTON, D.C. 20229

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(TREAS. 552)



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